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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Anthony F Blair, et al.,

No. CV-21-01778-PHX-DJH

Plaintiffs,

ORDER

V.

MIC General Insurance Corporation, et al.,

Defendants.

This matter arises under the Court's review of Defendants' Notice of Removal (Doc. 1). Defendants purport to have removed this matter on the basis of the Court's diversity jurisdiction, 28 U.S.C. § 1332(a)(1). For the following reasons, the Court will remand this action to Maricopa County Superior Court.

“Upon removal, the district court must first determine whether the federal court has subject matter jurisdiction.” *Lyons v. Alaska Teamsters Emp. Serv. Corp.*, 188 F.3d 1170, 1171 (9th Cir. 1999). Courts may exercise diversity jurisdiction over civil actions where the amount in controversy exceeds \$75,000 and is between citizens of different states. 28 U.S.C. § 1332(a)(1). Importantly, this means “each plaintiff must be of a different citizenship from each defendant.” *Grancare, LLC v. Thrower by & through Mills*, 889 F.3d 543, 548 (9th Cir. 2018)

The Complaint alleges Plaintiffs are Arizona residents, and it alleges Defendant Drinkwater and his wife are also Arizona residents. (Doc. 1-3 at 5–6). Therefore, there is no complete diversity, and the Court lacks subject matter jurisdiction over this matter.

1 || Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall remand this matter to Maricopa County Superior Court.

4 **IT IS FURTHER ORDERED** that Defendant MCI General Insurance
5 Corporation's Motion to Construe Notice of Removal as Timely (Doc. 4) is **denied** as
6 moot.

7 Dated this 25th day of October, 2021.


Honorable Diane J. Humetewa
United States District Judge